



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,391	09/20/2000	A. Maxwell Eliscu	46983/103	6064
26371	7590	09/11/2007	EXAMINER	
FOLEY & LARDNER LLP			LIVERSEDGE, JENNIFER L	
777 EAST WISCONSIN AVENUE			ART UNIT	PAPER NUMBER
MILWAUKEE, WI 53202-5306			3692	
			MAIL DATE	DELIVERY MODE
			09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/667,391	ELISCU, A. MAXWELL	
	Examiner	Art Unit	
	Jennifer Liversedge	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 July 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5,8-12,14-17,19-35,37-52,54,56-64,66 and 67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5,8-12,14-17,19-35,37-52,54,56-64,66 and 67 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/667,391 filed on July 12, 2007.

The amendment contains original claims: 2, 11-12, 17, 27, 31-33, 47, 49, 52, 59-64 and 66-67.

The amendment contains previously presented claims: 5, 9-10, 54 and 58.

The amendment contains amended claims: 1, 3, 8, 14-16, 19-26, 28-30, 34-35, 37-46, 48, 50-51 and 56-57.

Claims 4, 6-7, 13, 18, 36, 53, 55, 65 and 68 have been canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64 and 66-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Newly amended language cites "providing operations which can be performed by the referral, the operations associated with managing a commercial transaction". It is unclear how a referral provides operations. For purposes of examination, Examiner will assume operations are performed by a party or a party using a computer system. The next lines of "capturing data access information associated with what data is accessed by the

referral using the provided operations" is also unclear. For purposes of examination, Examiner will interpret this to mean capturing data associated with a referral.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64 and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (U.S. 2001/0049646), and further in view of US Pub. No. 2001/0037265 A1 to Kleinberg.

Wilkinson discloses a system and method comprising:

- Receiving a referral from the referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction-management seeking party,

a trade-seeking party, and a credit-guarantee seeking party (abstract; paragraph [0006]);

- Storing the information regarding the referral in a storage device ("first demander", abstract; [0008-0011]).
- Wherein the referral is received from a credit processing center of a financial institution ([0017] and [0040]);
- Determining whether the referral satisfies system-based parameters (fig. 1);
- If the referral party does not satisfy system based parameters, further comprising forwarding information regarding the referral to a third party (fig. 1, steps 120-130);
- Means for receiving a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party (fig. 1, steps 40-170);
- Evaluating the referral to determine regarding the referral in a storage device (claim 21);
- Evaluating the referral to determine whether the referral meets system-determined underwriting criteria, the system-determined underwriting criteria being variables used to determine whether the services and

products of the system meets the needs of the referral (fig. 1, steps 40-170);

- If the referral does not meet system-determined underwriting criteria, seeking an alternative provider for the referral (it is inherent in financial services to underwrite alternative criteria in various situations).
- If the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system ([0006], [0017] and [0019]);
- Providing operations which can be performed by the referral, the operations associated with managing a commercial transaction and capturing data access information associated with what data is accessed by the referral using the provided operations (pages 1-6);

Wilkinson discloses providing a screen display indicating a referring party (paragraphs 8, 21-22, 50, 57). Wilkinson does not disclose where the screen display indicates an affiliation with a referring party. However, Kleinberg discloses providing a screen display indicating an affiliation with a referring party (paragraphs 9, 14, 16-18, 26, 29, 31). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the referral system as disclosed by Wilkinson to adapt the display indicating affiliation with a referring party as disclosed by Kleinberg. The motivation would be to co-branding a webpage display enables to consumers to know that parties offering referrals are affiliated with one another, creating a seamless interaction on a

display such that both affiliates are displayed in a single display screen, thus further promoting the alliance between referring parties.

Wilkinson does not disclose receiving commercial transaction information associated with the referral, where a profile is formed with the data and stored. However, Kleinberg discloses receiving commercial transaction information associated with the referral, where a profile is formed with the data and stored (page 2, paragraph 19; page 4, paragraphs 32 and 40). It would be obvious to one of ordinary skill in the art to modify the providing of referrals as disclosed by Wilkinson to adapt the sending and receiving of commercial transaction information associated with the referral for creating and storage of an associated profile as disclosed by Kleinberg. The motivation would be that when information is gathered by a first party electronically, and a referral to a second party is made, it would be efficient and economical for all parties involved if the information were forwarded to the second party by the first party instead of re-gathering the information by the second party, particularly given the first and second parties are already engaged in relationship through the co-affiliated website.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5, 8-12, 14-17, 19-35, 37-52, 54, 56-64 and 66-67 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3692



Kambiz Abdi

Supervisory Patent Examiner

Art Unit 3692